

Date..... July 24, 2006

Alternate Resolution

**RESOLUTION AMENDING THE DECISION OF THE HISTORIC
PRESERVATION COMMISSION**

WHEREAS, on June 21, 2006, the Historic Preservation Commission conditionally approved an application from James and Sandra Quilty for a Certificate of Appropriateness for exterior alterations to their home at 814 17th Street in the Sherman Hill Historic District and for the construction of a new carriage house upon vacant land adjacent to the home; and,

WHEREAS, the Commission's approval of the Certificate of Appropriateness is subject to a requirement that the proposed new carriage house be moved behind the Quiltys' house at 814 17th Street, rather than being located to the side of the house; and,

WHEREAS, James and Sandra Quilty have appealed the Commission's decision to the City Council pursuant to §58-31(f) of the Des Moines Municipal Code; and ,

WHEREAS, on July 10, 2006, by Roll Call No. 06-1338, it was duly resolved by the City Council that the appeal be set down for hearing on July 24, 2006, at 5:00 p.m., in the Council Chambers; and,

WHEREAS, due notice of the hearing was mailed to the applicants on July 11, 2006, and published in the Des Moines Register on July 18, 2006; and,

WHEREAS, in accordance with the said notice, those interested in the issuance of the Certificate of Appropriateness, both for and against, have been given opportunity to be heard with respect thereto and have presented their views to the City Council; and,

WHEREAS, Section 303.34(3) of the Iowa Code and Section 58-31(f) of the Des Moines Municipal Code provide that on an appeal such as this, the City Council shall consider whether the Historic Preservation Commission has exercised its powers and followed the guidelines established by the law and ordinance, and whether the Commission's decision was patently arbitrary or capricious; NOW THEREFORE,

BE IT RESOLVED, by the City Council of the City of Des Moines, Iowa, as follows:

1. The public hearing on the appeal is hereby closed.

(continued)

Date..... July 24, 2006

-2-

2. The City Council hereby finds that the decision of the Historic Preservation Commission to deny the Certificate of Appropriateness was patently arbitrary or capricious for the following reasons:
 - a) The Architectural Guidelines for New Construction in Des Moines' Historic Districts states the following:
 - New outbuildings should be set along the alley or as close to the alley at the current city codes will allow.
 - New outbuildings should be subordinate to the primary dwelling.
 - New outbuildings should be simple in design while incorporating traditional elements of scale, roof form, and material. The height should typically be 1 to 1-½ stories with a 10' floor-to-ceiling height.
 - The roof of an outbuilding should be similar to the roof form of the principal structure. The pitch of a gable roof should typically be no less than 6:12.
 - A new garage or outbuilding should relate well to the principal structure in material. Brick, narrow lap siding or board and batten may be appropriate.
 - The new out building should not attempt to mimic the house or look like a barn or other non-original outbuilding.
 - New outbuildings should use a window pattern, which follows that of the primary structure. Codes limiting window openings within 3' of the lot line and/or within 6' of other buildings must be satisfied.
 - Overhead panel doors or upward-acting doors may be used in a new outbuilding. Two car garages should have two single doors rather than a double-wide door to avoid a strong horizontal orientation.
 - b) The carriage house as proposed by the applicant substantially complies with the Architectural Guidelines for Historic Preservation in Des Moines' Historic Districts if it is built 10' east of the west property line.
3. The decision of the Historic Preservation Commission to require the proposed carriage house be moved behind the principal dwelling is hereby reversed and modified, and an amended Certificate of Appropriateness is hereby granted allowing the proposed carriage house to be constructed south of the principal dwelling as proposed by the applicants. All other terms and conditions of the Certificate of Appropriateness issued by the Commission shall remain unchanged, including the requirement that the carriage house be located 10 feet east of the west (rear) property line.

(continued)

★ Roll Call Number

Agenda Item Number

62A

3

Date July 24, 2006

(Council Communication No. 06- 476)

MOVED by _____ to adopt and amend the decision of the Historic Preservation Commission as identified above to allow the carriage house to be located to the side of the applicants' house.

FORM APPROVED:

Roger K. Brown
Roger K. Brown

Assistant City Attorney

C:\rog\historic\appeals\quilty\RC Hrg.doc

| COUNCIL ACTION | YEAS | NAYS | PASS | ABSENT |
|----------------|------|------|------|--------|
| COWNIE | | | | |
| BROOKS | | | | |
| COLEMAN | | | | |
| HENSLEY | | | | |
| MAHAFFEY | | | | |
| KIERNAN | | | | |
| VLASSIS | | | | |
| TOTAL | | | | |

MOTION CARRIED

APPROVED

Mayor

CERTIFICATE

I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

City Clerk